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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

In re:

THE ROMAN CATHOLIC BISHOP OF
OAKLAND, a California corporation sole,

Debtor.

Case No. 23-40523 WJL

Chapter 11

**DECLARATION OF PAUL BONGIOVANNI
IN SUPPORT OF DEBTOR'S MOTION FOR
ENTRY OF AN ORDER, PURSUANT TO
BANKRUPTCY RULES 9006 AND 9027,
ENLARGING THE PERIOD WITHIN
WHICH THE DEBTOR MAY REMOVE
ACTIONS PURSUANT TO 28 U.S.C. § 1452**

Date: August 22, 2023

Time: 1:30 p.m.

Place: United States Bankruptcy Court
1300 Clay Street
Courtroom 220
Oakland, CA 94612

1 I, Paul Bongiovanni, hereby declare as follows:

2 1. I am the Chief Financial Officer of the Roman Catholic Bishop of Oakland (“the Debtor”).
3 I make this declaration in support of the *Debtor’s Motion for Entry of an Order, Pursuant to Bankruptcy*
4 *Rules 9006 and 9027, Enlarging the Period Within Which the Debtor May Remove Actions Pursuant to*
5 *28 U.S.C. § 1452*, filed concurrently herewith (the “Motion”).¹

6 2. I am familiar with the Debtor’s day-to-day operations, financial affairs, and books and
7 records. Except as otherwise noted, all facts set forth in this Declaration are based upon my personal
8 knowledge. If called upon to testify, I could and would testify competently to the facts set forth herein.

9 3. As part of my role as CFO, I am aware that the Debtor is party to numerous civil actions
10 and proceedings. Given the sheer number of pending Actions, the Debtor requires additional time to
11 consider whether to file notices of removal of the Actions because the Debtor’s key personnel must assess
12 these numerous lawsuits while concurrently attending to the day-to-day demands of this complex Chapter
13 11 Case.

14 4. I understand that under Bankruptcy Rule 9027, for cases commenced before the Petition
15 Date, the Debtor has 90 days from the Petition Date to remove claims or causes of action from state court
16 to federal court. I further understand that the Current Removal Deadline is August 7, 2023.

17 5. In addition to managing and operating the Debtor’s complex business operations and the
18 Debtor’s ministry, mission, and social service activities, the Debtor must address and resolve in the
19 Chapter 11 Case the numerous sexual abuse claims that have already been asserted and will be asserted
20 against them over the course of this Chapter 11 Case. During the initial stages of this Chapter 11 Case,
21 the Debtor’s resources have been devoted to assuring a smooth transition into chapter 11 and minimizing
22 the business disruptions normally attendant thereto, attending to diligence requests from the Committee,
23 and establishing a collaborative working relationship with the U.S. Trustee, the Committee, and the
24 Debtor’s other economic stakeholders.

25 6. The Debtor’s primary focus has been on stabilizing its operations in chapter 11 and
26 obtaining certain relief with respect to its cash management system, employee compensation and benefit

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28 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

1 programs, abuse survivors' assistance and safe environments programs, insurance programs, utility
2 providers, and noticing and confidentiality procedures

3 7. In addition, in the less than three months following the Petition Date, the Debtor has filed
4 its Schedules of Assets and Liabilities and Statement of Financial Affairs; filed a number of additional
5 motions and applications seeking operational and other relief; addressed numerous confidentiality
6 protocol issues; and provided responses to requests for documents and other diligence requests. The
7 Debtor is also in the midst of prosecuting an adversary proceeding against certain insurance carriers,
8 seeking declaratory relief and breach of contract damages. All of these tasks have taken significant time
9 but are necessary to the effective administration of this Chapter 11 Case. As a result, the Debtor has not
10 yet had the opportunity to fully examine all of the Actions to determine the feasibility or benefit of
11 removing any such Action.

12 8. The Debtor is continuing to review its records to determine whether it would benefit its
13 estate in any way to remove any of the Actions. To date, however, the Debtor has not made a determination
14 as to which, if any, of the Actions it may seek to remove in due course—if at all. Therefore, I believe that
15 it is prudent to seek an enlargement of the time prescribed by Bankruptcy Rule 9027(a), until February 5,
16 2024, to protect the Debtor's right to remove these Actions if it determines that removal would be
17 appropriate. The enlargement of time sought will afford the Debtor a reasonable amount of time to
18 determine whether to remove any pending Actions and will help to ensure that the Debtor does not forfeit
19 valuable rights under 28 U.S.C. § 1452. An enlargement also would not prejudice the rights of the
20 Debtor's adversaries because any party to an Action that is removed may seek to have the action remanded
21 to state court pursuant to 28 U.S.C. § 1452(b).

22 Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury, that the foregoing is true and
23 correct to the best of my knowledge, information, and belief.

24 Executed on August 1, 2023, at Oakland, California.

25
26 /s/ Paul Bongiovanni

27 Paul Bongiovanni
28